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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,289	08/05/2003	Amy Mae Bunker	PC25244A	7984

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WARNER-LAMBERT COMPANY
2800 PLYMOUTH RD
ANN ARBOR, MI 48105

EXAMINER

HUANG, EVELYN MEI

ART UNIT	PAPER NUMBER
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1625

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,289

Applicant(s)

BUNKER ET AL.

Examiner

Evelyn Huang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 2, 4-5, 7-12 in part, drawn to an isoquinoline compound (i.e. $Y=C(O)$, CH_2 or CHR_7 , all of W_1-W_4 are CHR_5 or CR_5), classified in class 546, subclass 141, the composition and method of use thereof.
 - II. Claims 1, 2, 4-12 in part, drawn to a naphthyridine compound (i.e. $Y=C(O)$, CH_2 or CHR_7 , W_1 is CHR_5 or CR_5 , one of W_2-W_4 is N or NR_5 , classified in class 546, subclass 122, the composition and method of use thereof.
 - III. Claims 1, 2, 4-5, 7-12 in part, drawn to a phthalazine compound (i.e. $Y=C(O)$, CH_2 or CHR_7 , $W_1=N$ or NR_5 , all of W_2-W_4 are CR_5 , classified in class 544, subclass 237, the composition and method of use thereof.
 - IV. Claims 1, 2, 4-12 in part, drawn to a compound wherein $Y=C(O)$, CH_2 or CHR_7 , $W_1=N$ or NR_5 , one or two of W_2-W_4 are N or NR_5 , classified in class 544, subclass 236, the composition and method of use thereof.
 - V. Claims 1, 2, 4-5, 7-12 in part, drawn to a compound wherein. $Y=C(O)$, CH_2 or CHR_7 , all of W_2-W_4 are N or NR_5 , classified in class 544, subclass 184, the composition and method of use thereof.
 - VI. Claims 1, 2, 4-12 in part, drawn to a compound wherein $Y=C(O)$, CH_2 or CHR_7 , $W_1=CHR_5$ or CR_5 , 2 of W_2-W_4 are N or NR_5 , classified in class 544, subclass 253+, the composition and method of use thereof.

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- VII. Claims 1, 3, 4, 7, 9,11-12 in part, drawn to a compound wherein $Y=O$, $W1=CHR5$ or $CR5$, classified in class 544, subclass 63, the composition and method of use thereof.
- VIII. Claims 1, 3, 4, 7, 9,11-12 in part, drawn to a compound wherein $Y=O$, $W1=N$ or $NR5$, classified in class 544, subclass 66, the composition and method of use thereof.
- IX. Claims 1, 3, 4, 7, 9,11-12 in part, drawn to a compound wherein $Y=S$, $W1=CHR5$ or $CR5$, classified in class 544, subclass 47, the composition and method of use thereof.
- X. Claims 1, 3, 4, 7, 9,11-12 in part, drawn to a compound wherein $Y=S$, $W1=N$ or $NR5$, classified in class 544, subclass 11, the composition and method of use thereof.

The inventions of Groups I-X are structurally, physically, chemically and patentably distinct as they can be made and used differently from one another. They have acquired a separate status in the art as shown by their different classification. A reference anticipating the isoquinoline compound of Group I would not render obvious the naphthyridine or phthalazine etc. of the other groups. The search is not co-extensive and is therefore burdensome. Since the search required for one group is not required for the other groups, restriction for examination purposes as indicated is proper.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention and a species within the elected group of invention to be examined even though the requirement be traversed (37 CFR 1.143).
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

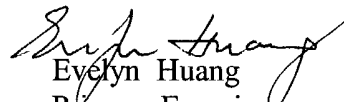
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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn Huang whose telephone number is 571-272-0686. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Evelyn Huang
Primary Examiner
Art Unit 1625
